

FWP COMMISSION AGENDA ITEM COVER SHEET

Meeting Date: August 9, 2018

Agenda Item: Clark Fork River Closure for DEQ Cleanup of Grant-Kohrs Ranch Area (R2)

Division: Fisheries

Action Needed: Proposed

Time Needed on Agenda for this Presentation: 5 minutes

Background

The Department of Environmental Quality is conducting a cleanup project to remove contaminated soils in the streambanks and historic floodplain within the Upper Clark Fork River drainage. The next phase of this project involves the area around Grant-Kohrs Ranch National Historic Site (see map attached). DEQ will begin cleanup of this area of the Clark Fork in October 2018.

Public safety is a concern during the construction period due to heavy equipment working in the area. DEQ is asking for a river closure from October 2018 to October 2020 to protect the public while allowing the cleanup work to occur. The department is proposing a biennial closure rule allowing FWP to close the Clark Fork River to all public occupation and recreation including, but not limited to, floating, swimming, wading, and boating through Grant-Kohrs Ranch.

Public Involvement Process & Results Kohrs

With commission approval, FWP would solicit public comment on the proposed biennial closure rule from. The results would be presented to the Commission with a final recommendation on October 17, 2018.

Alternatives & Analysis

1. The commission approves the request by FWP to go out for comment on the proposed biennial rule.
2. The commission does not approve the request to go out for public comment on the proposed biennial rule.

Agency Recommendation & Rationale

The department is proposing to solicit public comment on a biennial closure rule allowing FWP to close the Clark Fork River to all public occupation and recreation including, but not limited to, floating, swimming, wading, and boating through Gant Kohrs Ranch from October of 2018 to October of 2020.

Proposed Motion

I move that the commission allow FWP to solicit public comment on the proposed biennial rule to close the Clark Fork River to public occupation and recreation through Grant-Kohrs Ranch National Historic Site.

**PROPOSED****Clark Fork River Cleanup Closure Rules****I. PURPOSE**

(1) These rules address public safety concerns on the Clark Fork River around Grant-Kohrs Ranch National Historic Site associated with cleanup efforts by the Department of Environmental Quality (DEQ).

(2) The department shall close a portion of the Clark Fork River through Grant-Kohrs Ranch National Historic Site from October 2018 to October 2020 to ensure public safety while DEQ performs cleanup activities.

II. CLARK FORK RIVER GRANT-KOHRS DEQ CLOSURE

(1) The department closes the Clark Fork River as posted to all public occupation and recreation including, but not limited to, floating, swimming, wading, and boating through Grant-Kohrs Ranch National Historic Site from October 2018 to October 2020.

(2) The department may reopen the Clark Fork River prior to October 2020 when:

(a) DEQ indicates that conditions are safe; and

(b) the department determines the closure is no longer necessary.

(3) This rule does not affect any rules that may be adopted to address unforeseen temporary, emergency situations.

III. EXCEPTIONS TO RIVER CLOSURES

(1) The general exceptions and applications identified in 12.11.505, ARM, apply to this rule.

IV. EFFECTIVE DATE AND EXPIRATION OF THESE RULES

(1) These rules are effective upon final approval of the commission.

(2) These rules expire two years after final approval of the commission.

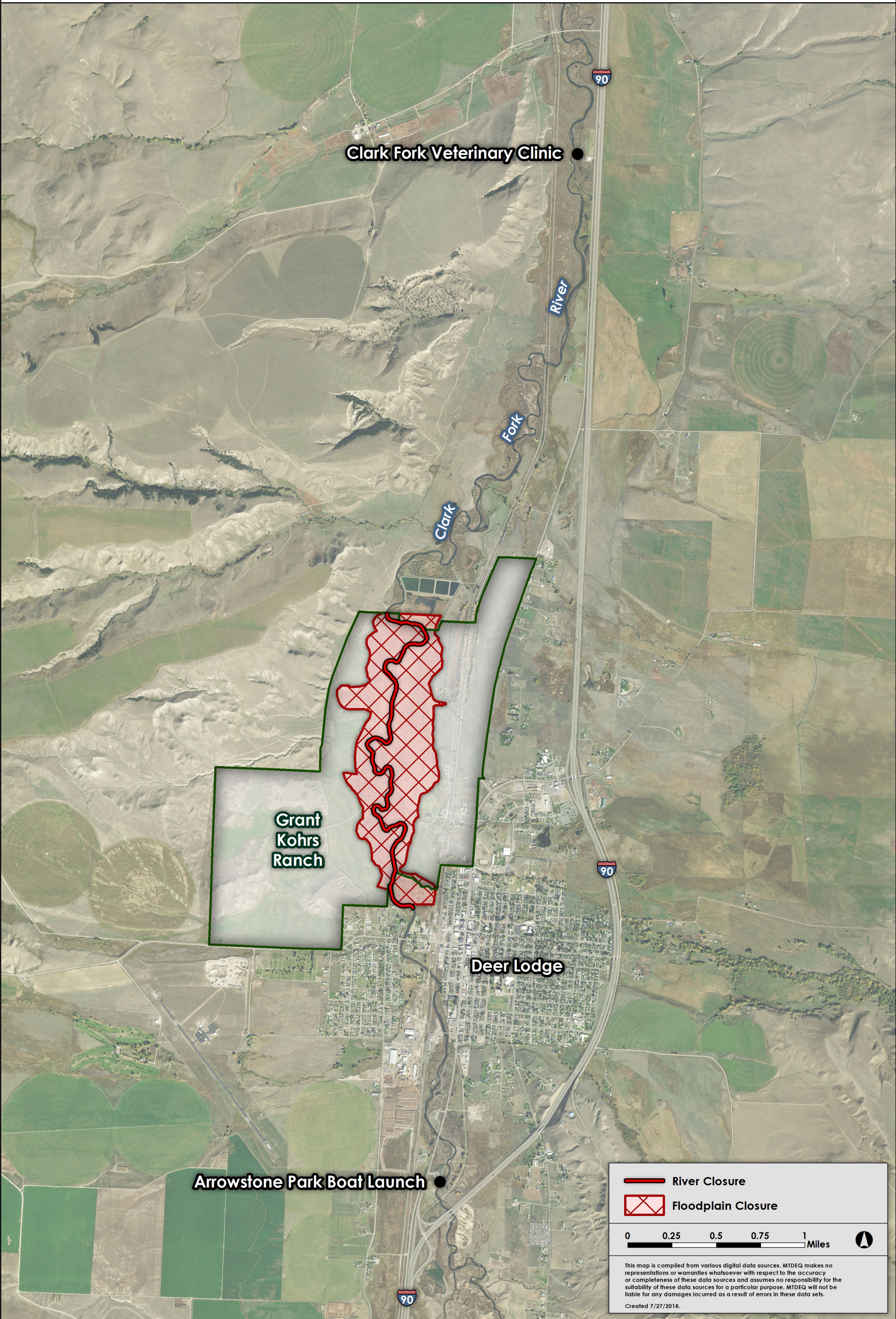
(3) These rules may be amended or repealed upon approval of the commission.

Approved: _____

Date

Signature

Proposed River & Floodplain Closure
Clark Fork River



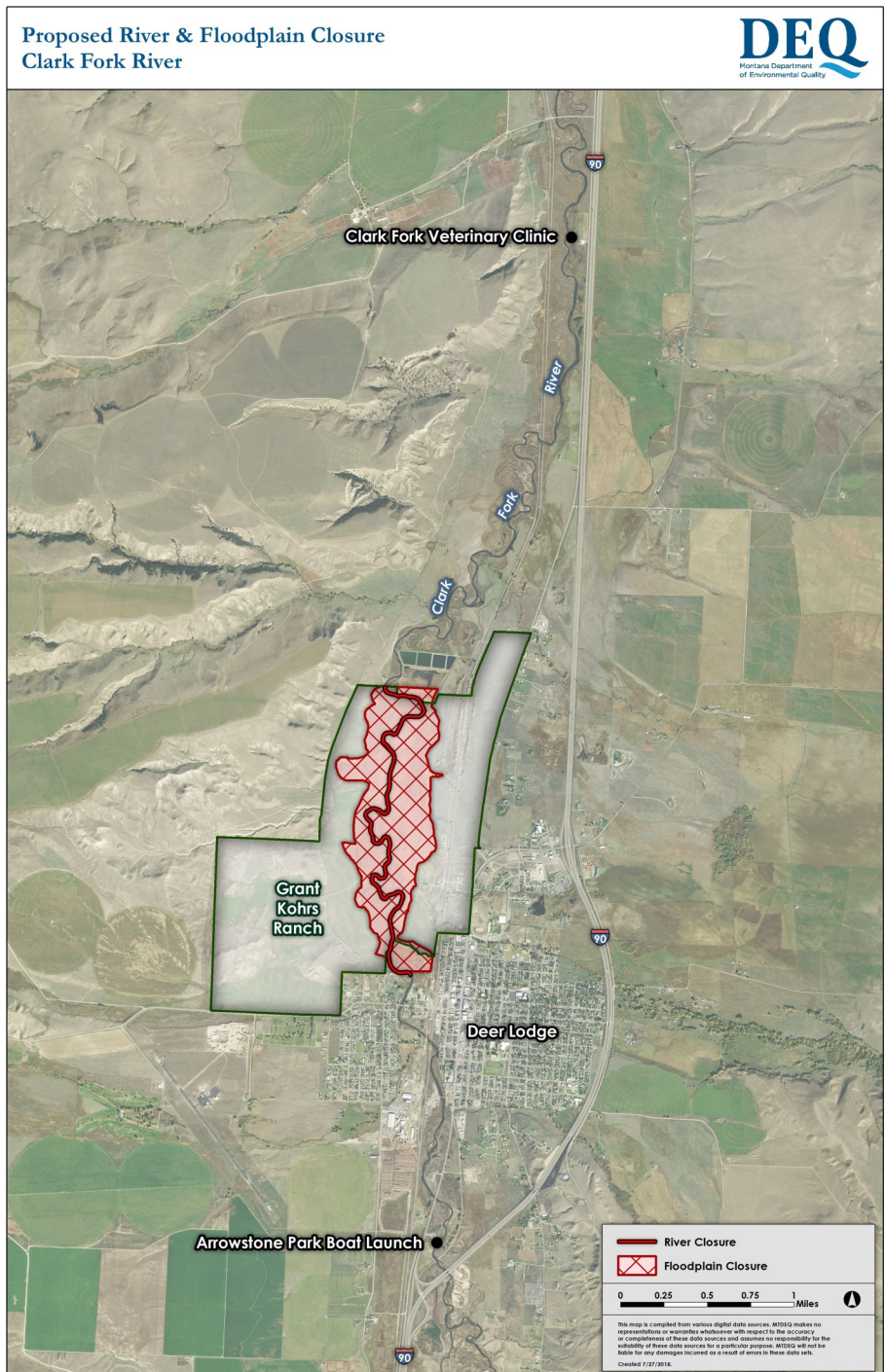
Clark Fork River Closure for DEQ Cleanup of Grant-Kohrs Ranch

Clark Fork River Milltown Reservoir Superfund Site

The Department of Environmental Quality is conducting a cleanup project to remove contaminated soils in the streambanks and historic floodplain within the Upper Clark Fork River drainage. The next phase of this project involves the area in and around Grant-Kohrs Ranch National Historic Site. DEQ will begin cleanup in October 2018.

Public safety is a concern during the construction period due to heavy equipment working in the area. DEQ is requesting a river closure from October 2018 to October 2020 to protect the public while allowing the cleanup work to occur. DEQ is requesting that approximately 2.6 river miles of the Clark Fork River be closed to all public occupation and recreation including, but not limited to, floating, swimming, wading, and boating through the Grant-Kohrs Ranch (see map).

DEQ will conduct outreach to the recreational communities of Deer Lodge, Butte, Helena and Missoula to keep the public aware of the closures. This will include signs at Arrowstone Park and closer to the Grant-Kohrs Ranch. DEQ will publicize the closure on its website as well as through local advertising, posters, social media and at community events.



SAFETY HAZARDS



Temporary bridges crossing the Clark Fork River and temporary dams are impassable to floaters. Portage would be extremely dangerous and will not be allowed due to a National Park Service Floodplain Closure.



Excavators removing tailings from the banks of the Clark Fork present a hazard to floaters. Large equipment operators have limited visibility and may not see people within reach of the swinging excavator arm.



During excavation, the banks may be steepened, the floodplain may be rough and sloughing can be dangerous to untrained personnel.



Excavations such as dewatering trenches present hazards to people walking across the site even when equipment is not present. These trenches can be slippery and have unknown depths as well as unstable banks.

The DEQ requires strict adherence to health and safety plans from its construction contractors. These health and safety plans include site security, site access restrictions, and extensive safety training. Allowing the public access to a construction site puts the public and site workers in danger.

For More Information: deq.mt.gov/Land/fedsuperfund/cfr

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